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**TO:** Examiner Jeffery T. Barton  
U. S. Patent & Trademark Office  
Group Art Unit 1753

**FROM:** Damond E. Vadnais, Reg. No. 52,310

**RE:** U.S. Application No. 10/693,914  
Atty. Docket No.: 03500.017666.

**FAX NO.:** (571) 273-8300

**DATE:** June 12, 2007

**NO. OF PAGES:** 4  
(including cover page)

**TIME:** 2:03 P.M.

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**MESSAGE**

Attachment:

Response to Restriction/Election Requirement

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03500.017666.

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
TAKAHARU KONDO, et al.	)	Examiner: Jeffery T. Barton
Application No.: 10/693,914	)	Group Art Unit: 1753
Filed: October 28, 2003	)	
For: ZINC OXIDE FILM,	)	
PHOTOVOLTAIC DEVICE	)	
MAKING USE OF THE SAME,	)	
AND ZINC OXIDE FILM	)	
FORMATION PROCESS	)	June 12, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated May 15, 2007, Applicants provisionally elect to prosecute the Group I claims, namely Claims 1 to 17. The restriction requirement is, however, traversed.

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Traversal is on the ground that there would not be undue burden in examining the two groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

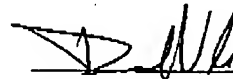
Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

In response to the requirement to elect species, Applicants elect Species A, described as structures having a zinc oxide film having different texture constituents with specified angles of inclination. At least Claims 1 to 9 are believed to read on the elected species.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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Attorney for Applicants  
Registration No. 52,310

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